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LAW FIRM

January 8, 2015

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Honorable Charles R. Breyer  
United States District Court  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, California 94102

Re: In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and  
Products Liability Litigation, 15-md-2672-CRB

Dear Judge Breyer:

Pursuant to Your Honor's Order dated December 22, 2015, (Dkt. 336), I respectfully submit this application for the appointment of the Joseph Saveri Law Firm ("JSLF") as Lead Counsel and as a member of the Plaintiffs' Steering Committee. JSLF seeks to represent a nationwide class of consumers who purchased or leased a Defeat Device Vehicle.

JSLF has an extensive track record of success in prosecuting and managing complex cases and class actions in federal and state court. I personally have more than 25 years of professional and leadership experience in litigating complex claims on behalf of consumers, businesses, and public officials negatively affected by unfair and anticompetitive business practices.<sup>1</sup> I have been recognized as one of the top litigators in antitrust and consumer protection and have received numerous professional accolades and awards for my work.

Since founding JSLF, I have continued to serve in leadership positions in a number of significant antitrust and consumer protection class actions, and in its four years of existence, JSLF has secured over \$670 million in settlements on behalf of consumers, businesses, class members and other clients.

Most recently, I served as Co-Lead counsel in *In re High-Tech Employee Antitrust Litigation*, where, in addition to day-to-day prosecution of the litigation, I played

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<sup>1</sup> For 18 years before establishing my firm, I was a partner with Lieff, Cabraser, Heimann & Bernstein ("Lieff"), where I founded the firm's Antitrust and Intellectual Property Practice Group. I chaired this award-winning practice group for my entire tenure at Lieff, and under my direction, it obtained over \$4 billion in settlements prosecuting landmark class actions cases. Among the cases I led included *In re ATM Antitrust Litigation*, Case No. C-04-2676, before Your Honor.

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a primary role in negotiating a \$415 million global settlement with tech giants Adobe, Apple, Google, and Intel. This is the largest settlement ever obtained in an antitrust case brought on behalf of a class of employees. In 2013, I again played a primary role in negotiating a \$74 million partial settlement on behalf of a California class of indirect purchasers of Cipro®. The case will proceed to trial—following a landmark (and favorable) decision by the California Supreme Court—against the remaining generic drug manufacturer defendants.<sup>2</sup>

In addition to the above experience, I was one of the attorneys principally responsible for the prosecution of *In re Lawn Mower Engine Horsepower Marketing and Sales Practices Litigation*, MDL No. 1999, 2:08-md-01999 (E.D. Wis.), where I represented a nationwide class of consumers claiming manufacturers of lawn mower engines mislabeled and misrepresented engine performance. One of the first cases of its type, the case settled in 2010 for \$65 million. JSLF also currently represents hundreds of auto dealerships across the country in a case against vehicle history report provider Carfax for its alleged use of unlawful exclusive dealing contracts.

Based on this proven performance, judges in this District and across the country have recently appointed my firm as lead, co-lead or liaison counsel to advocate on behalf of injured class members in MDL and other cases:

(1) *In re Capacitors Antitrust Litig.*, Case No. 14-cv-03264-JD (N.D. Cal.) (Interim Lead Class Counsel), Judge James Donato; (2) *In re High-Tech Employee Antitrust Litig.*, Case No. 11-cv-2509-LHK (N.D. Cal.) (Co-Lead Counsel), Judge Lucy H. Koh; (3) *Le et al. v. Zuffa, LLC*, Case No. 15-cv-01045-RFB-PAL (D. Nev.) (Interim Co-Lead Counsel), Judge Richard F. Boulware, II, 333 S. Las Vegas Blvd., Las Vegas, NV 89101; (4) *In re Cipro Cases I and II*, JCCP Nos. 4154, 4220 (San Diego County Sup. Ct.) (Co-Lead Counsel), Judge Ronald L. Styn, 220 West Broadway, San Diego, CA 92101; (5) *In re Lidoderm Antitrust Litig.*, Case No. 14-md-02521-WHO (N.D. Cal.) (Liaison Counsel), Judge William H. Orrick; (6) *In re Titanium Dioxide Antitrust Litig.*, Case No. 10-cv-00318-RDB (D. Md.) (Co-Lead Counsel), Judge Richard D. Bennett, Garmatz Federal Courthouse, 101 West Lombard St., Baltimore, MD 21201.

JSLF is willing and available to serve as Lead Counsel and as a member of Plaintiffs' Steering Committee. Given my leadership experience in decades of

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<sup>2</sup> And in 2013, while serving as Co-Lead Counsel in *In re Titanium Dioxide Antitrust Litigation*, I negotiated a series of settlements totaling \$163.5 million on behalf of direct purchasers of titanium dioxide.

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similar cases—including multidistrict litigation, nationwide class actions, and actions involving a number of foreign defendants—I am well aware of the time, energy and finances necessary to prosecute such cases successfully and to provide the best available representation to the class. Courts around the country have recognized JSLF's ability to make such commitments, and we will make that commitment here if appointed. While I and my firm currently serve in leadership roles in several MDL and other cases, those commitments are not so great to prevent our immediate service in this litigation.

Perhaps foremost among other considerations, I have demonstrated my management skills in the MDL and other cases which I have led myself or in which I have served on the leadership team. I have demonstrated the ability to work efficiently to manage complex litigation, to minimize costs, and to avoid a duplication of effort. As a consequence, I have established strong working relationships with numerous other lawyers across the country, many of whom have appeared in this action and many of whom support my application.<sup>3</sup> My ability to work collaboratively is further demonstrated by my long history of service to the court, the bar and other stakeholders.<sup>4</sup>

JSLF has the experience, qualifications, and resources to steer this litigation in an effective and efficient manner, for the benefit of all plaintiff purchasers and lessees.

Respectfully,

*/s/ Joseph R. Saveri*

Joseph R. Saveri

Enclosure(s): Exhibit A: JSLF Resume  
Exhibit B: Counsel in Support of Application

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<sup>3</sup> A list of counsel who have filed actions in this MDL and who support this application is attached as Exhibit B. I have made no arrangements or agreements, financial or otherwise, with any other firm representing plaintiffs that could raise a conflict of interest.

<sup>4</sup> I worked extensively with Magistrate Judge Elizabeth D. LaPorte and Magistrate Judge Donna M. Ryu fashioning the District's E-Discovery (ESI) Guidelines, and with Judge William Alsup fashioning the District's summary jury trial procedure.